

1 P Attorney Docket No. 2502440-991501

CERTIFICATE OF MAILING

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Gerry Ubau
Gerry Ubau

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Eugene M. Wolf

Serial No: 09/811,360 Group Art Unit: 3738

Filed: March 16, 2001 Examiner: Blanco, Javier G.

Title: FACILE TOTAL SHOULDER ARTHROPLASTY APPARATUS AND
 METHOD

* * *

**REQUEST FOR REMOVAL OF SMALL ENTITY STATUS AND SUBMISSION OF
DEFICIENCY OWED**

Adjustment date: 09/03/2003 LUONDIH1
07/02/2003 SZCUDIE1 00000035 09811360
01 FC#2201 -42.00 OP

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 09 2003
TECHNOLOGY CENTER R3700*

Dear Sir,

It is respectfully submitted that the status as a small entity of the assignee of record in the above-identified application was inadvertently asserted in the payment of a fee for one excess independent claim. Applicant continues to have large entity status. Applicant respectfully requests removal of small entity status in this application.

It is moreover respectfully submitted that Applicant had the status of large entity at the time the extra claims fee was paid on June 25, 2003. Payment of the deficiency owed is enclosed herewith in the amount of \$42.00. The following two type of fee was erroneously paid as a small entity:

09/03/2003 LUONDIH1 00000016 09811360

01 FC#2201

84.00 OP

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Independent Claims in Excess of Three Under 37 C.F.R. 1.16(b)

The deficiency payment for this fee is calculated as follows:

1 additional independent claim x \$84.00 = \$84.00 (fee owed)

1 additional independent claim x \$42.00 = \$42.00 (erroneously paid June 25, 2003)

Deficiency owed amount = \$84.00 - \$42.00 = \$42.00

The total deficiency amount that is therefore owed is \$42.00.

A check in the amount of \$42.00 is enclosed together with PTO Form no.: PTO/SB/17 (Fee Transmittal for FY 2003).

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: 8-27-03

By AC

Andrew V. Smith
Reg. No. 43,132
Attorney for Applicant

GRAY CARY WARE & FREIDENRICH LLP
153 Townsend Street, Suite 800
San Francisco, CA 94107
Telephone: 415-836-2522
Facsimile: 415-836-2501

Customer No. 29585

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FEE TRANSMITTAL
for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 42.00)

Complete if Known

Application Number	09/811,360
Filing Date	March 16, 2001
First Named Inventor	Eugene M. Wolf
Examiner Name	Javier G. Blanco
Art Unit	3738
Attorney Docket No.	2502440-991501

METHOD OF PAYMENT (check all that apply)
 Check Credit card Money Order Other None
 Deposit Account:Deposit Account Number
Deposit Account Name

07-1896

Gray Cary Ware & Freidenrich, LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X	=
Independent Claims	- 3** =	X	=
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) Additional fee due		42.00	

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 42.00)**SUBMITTED BY**

(Complete if applicable)

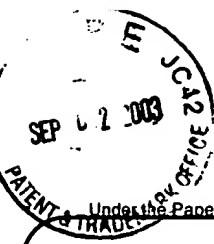
Name (Print/Type)	Andrew V. Smith	Registration No. (Attorney/Agent)	43,132	Telephone	415-836-2522
Signature	AVS			Date	8-27-03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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\$ 3788

PTO/SB/21 (03-03)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/811,360
		Filing Date	March 16, 2001
		First Named Inventor	Eugene M. Wolf
		Art Unit	3738
		Examiner Name	Javier G. Blanco
Total Number of Pages in This Submission	5	Attorney Docket Number	2502440-991501

ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)	
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return-Receipt Postcard;	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Request for Removal of Small Entity and Submission of Deficiency Owed;	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application			
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53			
<p>Remarks</p> <p>The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.</p> <p>Customer No. 29585</p>			

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Andrew V. Smith, Reg. No. 43,132 Gray Cary Ware & Freidenrich, LLP 153 Townsend Street, Suite 800, San Francisco, CA 94107-1907
Signature	
Date	8-27-03

SEP 09 2003

TECHNOLOGY CENTER R3700

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 08-27-03	
Typed or printed	Gerry Ubau
Signature	
Date	8-27-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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